

REMARKS

Claims 1-40 are in the application, with Claim 1 having been amended. Claims 2-6, 10-12, 15-19, 28-34, 36-38 and 40 stand withdrawn from consideration. Claims 1, 20, 35 and 39 are the independent claims now under consideration. No new matter has been added. Reconsideration and further examination are respectfully requested.

It is noted with appreciation that claims 7, 9, 13, 14 and 21-27 have been found to recite allowable subject matter, though objected to on formal grounds.¹ Further, applicant infers that claims 1, 20, 35 and 39 have also been recognized as reciting allowable subject matter, inasmuch as no rejection over prior art is now pending with respect to those claims.

Claim Rejections – 35 USC § 112

Claims 1, 20, 35 and 39 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. In explaining this rejection, the Examiner stated that the rejected claims were unclear as to whether the identifying of the trade-through or trade-at transaction was occurring before or after or during an option limit order being executed.

To overcome this rejection with respect to claim 1, the claim has now been amended, in line with the disclosure at page 15, lines 1-12 (and particularly lines 11-12) of the specification of this application, by specifying that the identifying of the trade-through or trade-at transaction “occur[s] at a time prior to said option limit order being fully executed, deleted or canceled”. Thus, at least as now presented, claim 1 is believed to be sufficiently definite to satisfy the statute.

With respect to claims 20, 35 and 39 the rejection under § 112, second paragraph, is respectfully traversed. The rejection is stated as being concerned with a lack of clarity as to when identifying of trade-through or trade-at transactions is occurring. However, none of claim 20, 35, 39 actually recites identifying of trade-through or trade-at transactions. Rather these claims all recite tabulating trade-at or trade-through data. Thus the premise upon which the

¹ It is believed that claim 8 should fall in the same category with these claims, since claim 8 is dependent on claim 7.

rejection is founded is inapplicable to claims 20, 35 and 39. It is therefore respectfully requested that the rejection of claims 20, 35 and 39 be reconsidered and withdrawn.

In view of the above, it is requested that claims 1, 7-9, 13, 14, 20-27 and 35 be allowed. Also, since claim 1 is in condition for allowance, and is generic to withdrawn claims 2-6 and 10-12 (indeed claim 2-6 and 10-12 are dependent on claim 1), it is also submitted that claims 2-6 and 10-12 should now be allowed.

C O N C L U S I O N

Accordingly, Applicant respectfully requests allowance of the application. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

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Date

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